

REMARKS

Favorable reconsideration of this application as presently amended is respectfully requested. Claims 1-24 are pending in the present application. In this Amendment, claims 1-3, 7, 9, 10, 12, 13, 15-21 and 23-25 are amended. Claims 28-32 have been previously withdrawn from consideration. No new matter is added.

Support for the amendments to claim 1, 9, 15 and 23 is found in the specification at page 3, lines 5-21, and elsewhere throughout the specification and drawings. Support for the amendments to claims 2, 3, 7, 10, 12, 13, 16-21, 24 and 25 is found in the originally filed claims and elsewhere throughout the specification and drawings.

Applicant has submitted replacement drawings in compliance with 37 C.F.R. §§ 1.83-1.85, as requested by the Examiner.

The objection to the specification at page 15 and page 7, line 17 and 18 has been obviated by the above amendments to the specification. In addition, Applicant has amended the specification at page 5 to incorporate text written in ink.

Claims 2-3, 6-7, 10, 12, 13, 15-21 and 23-27 are objected to because of several minor informalities. The Examiner is thanked for pointing out the specific objectionable language. Claims 2-3, 7, 10, 12, 13, 15-21 and 23-27 have been amended to more distinctly define the subject matter of the present invention. Claim 6 has not been amended since the Applicant has been unable to locate the objectionable phrase identified by the Examiner.

Claims 1-8 are rejected under 35 U.S.C. § 112, second paragraph. The Examiner is thanked for pointing out the specific objectionable language. The claims have been amended to comply with the requirements of 35 U.S.C. § 112, second paragraph and to more distinctly define the subject matter of the present invention.

Claims 9-14 are rejected under 35 U.S.C. § 112, second paragraph. The Examiner is thanked for pointing out the specific objectionable language. The claims have been

amended to comply with the requirements of 35 U.S.C. § 112, second paragraph and to more distinctly define the subject matter of the present invention.

Claims 15-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,594,641 issued to Southam ("Southam"). This rejection is respectfully traversed with respect to the claims as currently presented.

Claim 15 as amended claims a computer system for a paperless product delivery system that includes a retailer computer that is able to confirm delivery of one or more retailer products to a customer, wherein delivery is confirmed by: the customer sending a receipt code to an independent distributor and the retailer initiating payment to the independent distributor in response to the receipt code being received by the retailer from the independent distributor and the received receipt code being verified as being identical to the receipt code stored in the retailer computer. The Office Action on pages 7-8 states that Southam describes the "retailer computer 22 is able to receive delivery confirmation comprising return of the receipt code sent to the customer in a message received from the local distributor and, in response, the retailer initiates payment to the independent distributor." However, the Office Action has cited no portion of Southam that teaches or describes claim 15's feature of a retailer computer that is able to confirm delivery of one or more retailer products to a customer, wherein delivery is confirmed by: the customer sending a receipt code to an independent distributor and the retailer initiating payment to the independent distributor in response to the receipt code being received by the retailer from the independent distributor and the received receipt code being verified as being identical to the receipt code stored in the retailer computer. In addition, as admitted in the Office Action on page 12 Southam does not teach or suggest a retailer computer receiving delivery confirmation by a retailer receiving a receipt code from an independent distributor. Accordingly, Southam does not teach or suggest claim 15's feature of delivery being confirmed by: the customer sending a receipt code to an independent distributor and the retailer initiating payment to the independent distributor in response to the receipt code being received by the retailer from the independent distributor and the received receipt code being matched to the receipt code stored in said retailer computer, and, therefore claim 15 is patentable over Southam.

Claims 16-22 depend directly or indirectly from claim 15, and, accordingly, include all of the patentable features of claim 15 as well as other patentable features. Therefore, claims 16-22 are patentable over Southam at least the reasons discussed above with respect to claim 15.

Claim 23 as amended claims a computer system for a paperless product delivery system, the computer system including a customer computer that is able to send a product order to a business retailer computer at a remote location, the product order comprising a communication message sent over an interactive computer network system from the customer computer through an communications interface and to a business retailer computer, in which the customer specifies one or more retailer products for purchase and delivery, and able to receive a receipt code in a communication message from the business retailer computer over the computer network system through the communications interface, thereby confirming to the customer that the business retailer computer has sent details of the product order to an independent local distributor who is local to the customer, and wherein the customer can provide the receipt code to the independent local distributor upon product delivery to the customer, wherein the receipt code can be verified by the business retailer computer as being the identical receipt code sent to the customer, and wherein the business retailer computer can initiate payment processing to the independent local distributor upon the receipt code being verified by the business retailer computer. The Office Action on page 10 states that Southam describes that the “customer can provide the receipt code to the independent distributor upon delivery to the customer.” However, the Office Action has cited no portion of Southam that teaches or describes a customer providing the receipt code to an independent distributor upon delivery of a product to the customer. In addition, as admitted in the Office Action on page 12 Southam does not teach or suggest receiving delivery confirmation by the return of a receipt code to the retailer by the independent local distributor. Accordingly, Southam does not teach or suggest claim 23’s system’s feature of a customer providing a receipt code to the independent local distributor upon product delivery to the customer, and, the retailer initiating payment to the independent distributor upon the independent distributor providing the receipt code to the retailer, and, therefore claim 23 is patentable over Southam.

Claims 24-27 depend directly or indirectly from claim 23, and, accordingly, include all of the patentable features of claim 23 as well as other patentable features. Therefore, claims 24-27 are patentable over Southam at least the reasons discussed above with respect to claim 23.

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,594,641 to Southam in view of U.S. Patent No. 6,249,772 to Walker *et al.* (“Walker”). This rejection is respectfully traversed with respect to the claims as currently presented.

Claim 1 as amended claims a method of paperless product distribution including a step of confirming delivery that comprises: an independent local distributor returning a receipt code to a retailer and the retailer making payment to the independent local distributor for the delivery of one or more products to a customer upon the retailer verifying that the receipt code received from the independent local distributor is identical to the receipt code provided to the customer. However, as admitted in the Office Action on page 12 Southam does not teach or suggest receiving delivery confirmation comprising return of a receipt code to the retailer from the independent local distributor. Accordingly, Southam cannot teach or suggest claim 1’s feature of an independent local distributor returning a receipt code to a retailer and the retailer making payment to the independent local distributor for the delivery of one or more products to a customer upon the retailer verifying that the receipt code received from the independent local distributor is identical to the receipt code provided to the customer, and, therefore, claim 1 is patentable over Southam.

On page 12 of the Office Action, Walker is only cited for teaching “receiving delivery confirmation comprising return of a receipt code at the retailer (center controller 110) from the independent local distributor (Logic part 115) to indicate that a transaction has been completed (col. 23, lines 35-53).” However, the cited portion of Walker does not describe an independent local distributor who is a separate entity from a retailer and does not describe a delivery to a customer. Instead, the cited portion Walker describes a retailer

confirming the price of an item that the customer is picking up at a retailer's store using a credit card number, not a receipt code provided by the retailer. Accordingly, Walker cannot remedy the deficiencies of Southam with respect to failing to teach or suggest claim 1's of an independent local distributor returning a receipt code to a retailer and the retailer making payment to the independent local distributor for the delivery of one or more products to a customer upon the retailer verifying that the receipt code received from the independent local distributor is identical to the receipt code provided to the customer, and, therefore, claim 1 is patentable over the combination of Walker with Southam.

Claims 2-8 depend directly or indirectly from claim 1, and, accordingly, include all of the patentable features of claim 1 as well as other patentable features. Therefore, claims 2-8 are patentable over the combination of Southam with Walker for at least the reasons discussed above with respect to claim 1.

Claim 9 as amended claims a method of paperless product distribution including the step of confirming delivery of a product order to a customer, wherein confirming delivery comprises an independent local distributor returning a receipt code to the retailer and, the retailer making payment to the independent local distributor for the delivery of the product order to the customer upon the retailer verifying that the receipt code received from the independent local distributor is identical to a receipt code provided to the customer. However, as admitted in the Office Action on page 12 Southam does not teach or suggest delivery confirmation comprising returning a receipt code to the a retailer from a independent local distributor. Also, the Office Action does not cite any portion of Southam that teaches any of the features of claim 9. Accordingly, Southam cannot teach or suggest claim 9's feature of an independent local distributor returning a receipt code to a retailer and the retailer making payment to the independent local distributor for the delivery of one or more products to a customer upon the retailer verifying that the receipt code received from the independent local distributor is identical to the receipt code provided to the customer, and, therefore, claim 9 is patentable over Southam.

With respect to Walker, as discussed above with respect to claim 1, Walker does not describe an independent local distributor who is a separate entity from a retailer and


does not describe a delivery to a customer. Instead, the cited portion Walker describes a retailer confirming the price of an item that the customer is picking up at a retailer's store using a credit card number, not a receipt code provided by the retailer. Accordingly, Walker cannot remedy the deficiencies of Southam with respect to failing to teach or suggest claim 9's of an independent local distributor returning a receipt code to a retailer and the retailer making payment to the independent local distributor for the delivery of one or more products to a customer upon the retailer verifying that the receipt code received from the independent local distributor is identical to the receipt code provided to the customer, and, therefore, claim 9 is patentable over the combination of Walker with Southam.

Claims 10-14 depend directly or indirectly from claim 9, and, accordingly, include all of the patentable features of claim 9 as well as other patentable features. Therefore, claims 10-14 are patentable over the combination of Southam with Walker for at least the reasons discussed above with respect to claim 9.

If the Examiner has any questions or concerns regarding the present response, the Examiner is invited to contact Mark J. Guttag at 703-591-2664, Ext. 2006.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance, and favorable action is respectfully solicited.

Respectfully submitted,


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